

EXHIBIT 57

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**MAO DECLARATION
OPPOSITION TO SUMMARY
JUDGMENT**

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ANIBAL RODRIGUEZ, JULIEANNA)
MUNIZ, ELIZA CAMBAY, SAL) Case No.:
CATALDO, EMIR GOENAGA, JULIAN) 3:20-cv-04688
SANTIAGO, HAROLD NYANJOM, KELLIE)
NYANJOM, and SUSAN LYNN HARVEY,)
individually and on behalf of all)
others similarly situated,)
)
Plaintiffs,)
vs.)
)
GOOGLE LLC,)
)
Defendant.)
-----)

HIGHLY CONFIDENTIAL - ATTORNEYS EYES ONLY
REMOTE PROCEEDINGS OF THE
VIDEOTAPED DEPOSITION OF CHRISTOPHER RUEMMLER
FRIDAY, SEPTEMBER 9, 2022

REPORTED BY NANCY J. MARTIN
CSR. NO. 9042, RMR, RPR
PAGES 1-235

1 language just below --

2 A. I quoted the help page. So it may have been.
3 Like I said, I can't remember my train of thought that
4 day because it was two years ago -- you know, more
5 than two years ago. 2019. Long time. Three years
6 ago. But I would -- you know, it's there. It seems
7 like that's the case, but I don't know; right?

8 Q. Do you think you might have been referring to
9 some other document that you decided not to quote
10 there?

11 MR. SANTACANA: Asked and answered.

12 THE WITNESS: Yeah, I mean it's -- this
13 E-mail says these bullets; right? So I said, "We
14 state the following in the 'on' case -- 'on' state."
15 BY MR. FRAWLEY:

16 Q. What do you mean by, "We state the following
17 for the 'on' state"?

18 A. Well, reading my E-mail again for 2019, it
19 says -- the on state must be referring to WAA because
20 it says, "When Web & App Activity is on, Google saves
21 information like," and so it gives a summary. It
22 doesn't give an exhaustive list. It just gives some
23 examples.

24 And you can see my thing here says "like
25 maps," and the other one says "like maps and plays."

1 So they -- someone decided to give a few more
2 examples.

3 Q. Do you see in your E-mail, Exhibit 7, where
4 you wrote, "So, when Web & App Activity is off, I'd
5 expect the opposite to happen."

6 Do you see that?

7 A. Yes.

8 Q. And then do you see where you wrote, "The
9 opposite of the above is: When Web & App Activity is
10 off, Google does not save information like"?

11 A. Yes, I see that.

12 Q. What did you mean by "information like"?

13 A. I can't tell what's there. There's nothing
14 there.

15 Q. Fair to say you're referring back up to those
16 bullets just above?

17 A. No, because there's a "like:" and then
18 there's nothing below it.

19 Q. So you think your E-mail is incomplete?

20 A. I don't know. Is there -- was it -- again,
21 it's from 2019. I don't know exactly what I wrote.
22 But like just reading this E-mail now, I see a colon
23 and then I see nothing below it. There's a dot with
24 nothing and then there's a square with nothing, and
25 then it goes on to some other thing.

1 Q. So is it your habit to not complete E-mails
2 that you write while at Google?

3 A. No, not generally. I mean I don't know
4 what's going on here. You know, it's 2019. I don't
5 have -- you know.

6 Q. Okay. So then your testimony is that you
7 were not -- sorry. Let me restart this question.

8 When you said "information like," you were
9 not referring to those bullets above? And by "bullets
10 above," I mean searches and other things, your
11 location language, IP address, ads you click,
12 information on your device.

13 A. Yeah, I don't know, because I would not
14 normally -- if I put a colon there, I'd put stuff
15 after it -- right? -- to explain what I'm doing like I
16 did above.

17 Q. Well, above, you were just copying from the
18 document; right? You didn't actually write that
19 yourself?

20 A. Right. But then down below there's nothing.
21 So I don't know what's going on in this E-mail.

22 Q. Do you see where you wrote, "The opposite of
23 the above is"?

24 A. Yeah.

25 Q. What does "the above" refer to?

1 A. "The above" refers to the list above.

2 Q. So you're referencing back the list above.
3 Fair?

4 A. Oh, I see what's going on. I actually see
5 what's going on now. There's two colons; right?

6 Q. What do you mean? I'm sorry.

7 A. There's two colons. "The opposite of the
8 above is:" And then I have, "So, when Web & App
9 Activity is off, Google does not save information
10 like"; right?

11 Q. Sorry. I'm a little confused.

12 A. So I wrote the one above and then I wrote,
13 "So, when Web & App Activity is off, I'd expect the
14 opposite to happen. The opposite of the above is:"
15 and then I wrote a line.

16 So that's what I'm like -- apparently, you
17 know, if I'm reading my -- the way I write, that's
18 what I'm saying. I try to write -- you know. Sorry.
19 I'm an engineer. I kind of write things in a way that
20 may not be natural to other people.

21 So I believe this is my misunderstanding with
22 the way WAA works. So this was back before I had more
23 knowledge about the way WAA works. And I thought at
24 that time if the opposite of on and off, if it was
25 off, well, we just didn't, you know, send any of this

1 data to Google. But that's not right. It's really
2 you don't associate the data that's sent to Google
3 with a GAIA ID, which we call keyed by GAIA ID.

4 Q. Just a moment ago you said something about
5 sending the data to Google. What do you mean by "to
6 Google"?

7 A. Well, if Google is storing data, then that
8 would be sending it to Google.

9 Q. And a moment ago you said, "It's really you
10 don't associate the data that's sent to Google with a
11 GAIA ID."

12 Do you recall that?

13 A. Where are you reading now?

14 Q. We have a -- like a live transcript feed. I
15 don't think you have that. I'm not sure actually.

16 A. No.

17 MR. SANTACANA: Hold on. Sorry, Alex. You
18 should know it's not necessarily accurate. It's just
19 the live feed of what the court reporter is typing.

20 MR. FRAWLEY: Okay. Well, I have faith in
21 the court reporter.

22 BY MR. FRAWLEY:

23 Q. Do you recall a moment ago testifying that
24 when WAA -- again, I'm not trying to quote you, but do
25 you recall saying that, when WAA is off, that the data

1 is not -- that it's not associated with a GAIA ID?

2 Do you recall talking about that?

3 A. Yes, I recall talking about GAIA-tied data.

4 Q. Okay. What is GAIA-tied data?

5 A. GAIA-tied data is data that is linked
6 directly to a GAIA ID which is then -- the user's
7 account. So on Gmail everything is pretty much -- is
8 GAIA tied or GAIA linked because it's your E-mail;
9 right? So you need to -- we need to know the exact
10 user that the data is associated with.

11 And there's no anonymization or anything like
12 that. It's your E-mail. So everything is GAIA tied.
13 So GAIA is the internal identifier at Google that
14 identifies an account with an individual.

15 Q. Does Google log any data that's not GAIA
16 tied?

17 MR. SANTACANA: Objection. Vague.
18 Ambiguous. Lacks foundation.

19 THE WITNESS: I work in Workspace and in
20 Gmail in particular, and as far as I know, everything
21 is GAIA tied in Gmail because it's personal data.
22 Other parts of the company, I don't know if they're
23 doing -- you know, if they need to have GAIA tied or
24 not.

25 BY MR. FRAWLEY:

1 know, my understanding back then of the way WAA was
2 working was probably not correct, given I thought
3 everything was GAIA tied.

4 Q. Well, you couldn't have thought everything
5 was GAIA tied -- right? -- because you wrote here --
6 you're talking here about data collected when you're
7 not logged into your account. Sorry. You said -- let
8 me restart this.

9 You wrote "data logged, but not tied to your
10 account."

11 That's not GAIA data; right?

12 A. Correct. There we go. Yeah. So that would
13 be untied GAIA data.

14 Q. So you couldn't have, at this time, thought
15 that the only kind of data that existed was GAIA data.
16 You knew there was non-GAIA data?

17 A. I guess so. But I'm not sure if I knew how
18 WAA worked with regards to the data, given that's got
19 My Activity associated with it.

20 I think the confusion here was, you know,
21 when WAA is off, is data still sent to Google or not
22 and how is it associated. If it was associated with a
23 GAIA ID, you know, I think that would be very bad
24 because WAA was off; right? If it's not associated
25 with a GAIA ID, then, you know, other parts of Google

1 do that. They anonymize the data. Gmail doesn't have
2 a reason to anonymize data because it's all personal
3 data. It needs to be tied to an identity.

4 Q. You thought at the time that Google needed to
5 modify the help article to address what happens with
6 WAA with respect to data that's not tied to someone's
7 account?

8 A. That was a suggestion I made.

9 MR. SANTACANA: Alex, it's noon here. We're
10 over an hour. I think we should take a break.

11 MR. FRAWLEY: Let me see. I think I'm almost
12 wrapped up with this segment.

13 THE WITNESS: I can make suggestions as much
14 as I want in Google -- right? -- and I may make --

15 MR. SANTACANA: Mr. Ruemmler, there's no
16 question pending.

17 MR. FRAWLEY: Wait. Wait. You can't
18 interrupt the witness when he's saying something,
19 Eduardo.

20 MR. SANTACANA: You can ask him a question.
21 But it's your last question and then we're going to
22 take lunch.

23 MR. FRAWLEY: Isn't it my deposition,
24 Eduardo, or is it yours?

25 MR. SANTACANA: Alex, ask your last question,

1 then we're taking lunch.

2 BY MR. FRAWLEY:

3 Q. Mr. Ruemmler, finish what you were saying
4 when you said you can make suggestions as much as you
5 want. What were you thinking?

6 A. Google has a culture that you can express
7 your ideas freely within Google. So, you know,
8 whether they be right or wrong; right? It's a free
9 environment. That's what makes Google great is Google
10 has got lots of different ideas and lots of different
11 engineers. That's why I like working at Google. You
12 can freely express how you feel. How you feel may not
13 be what actually happens, and that's fine; right?

14 You know, the way things are done in Gmail
15 may be done for a particular reason, and someone
16 outside Gmail may have a problem with that, but they
17 may not have all the information -- right? -- about
18 why things are done a certain way. I mean have legal
19 background -- we may have to do things for legal
20 reasons; right? We may have to implement something in
21 a particular way due to policy or compliance issues.

22 But we still accept people coming in and
23 saying, hey, why is this broken in Gmail, or why does
24 this work this way in Gmail, or can you improve Gmail
25 this way. We take all those insights in and look at